



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : August et al.

TITLE : **AN INFORMATION AND COMMUNICATION SYSTEM**

APPLICATION NO. : 09/653,810

FILED : September 1, 2000

CONFIRMATION NO. : 5991

EXAMINER : Luu, Le Hien

ART UNIT : 2141

LAST OFFICE ACTION : March 24, 2006

ATTORNEY DOCKET NO. : LUTZ 2 00034
August 26-9-50

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Applicant respectfully submits the following 5 pages including reasons for requesting a Pre-Appeal Review of the above-captioned matter.

The Present Application

By way of brief review, the present application is directed to an information and communication system that can use a web page like environment, referred to as a "Personal Space", to integrate a plurality of communication and monitoring functions. The system can link and automate enterprise components. Communication services are accessed through a wide variety of devices and are facilitated by the personal space. Databases are built and used to customize user services. User profiles and system use patterns are compared and analyzed to continuously improve system performance (Abstract).

The system may be provisioned to provide information to, for and about the user, about, for and to associates of the user. For example, a relationship database includes entries for associates of the user, including individuals and organizations that the user wishes to grant access to portions of the personal space. The relationship database may include entries that describe portions of the personal space each associate may have access to, as well as any passwords, encryption methods and similar security information associated with each associate (e.g., page 20, line 36 - page 21, line 3). For instance, a heart monitor may gather data about the function of a user's heart. The user can authorize delivery of this information to associates of the user, for example, a medical system, medical professional or a family member. The information can be presented to the selected associate either as a report, a message or through, for example, an icon or other metaphor that is accessed when the selected person browses the personal space. In one configuration, the user has a personal space. The user's son has a second personal space. The user can authorize the son to view the status of the heart monitor.

In another configuration, the user has a personal space but a physician of the user does not have a personal space. The user can authorize a report of heart function to be sent to the physician, or a healthcare entity via an email, fax or other means (page 16, line 6 - page 17, line 4).

In another example, an associate of the user might be a merchant. The user might give permission for a merchant to access the user's personal space to retrieve transaction information, such as shipping information, a credit card number and an expiration date. For instance, the merchant may collect the transaction information via a mechanism referred to as an information pull (page 9, line 37 - page 10, line 2).

A more extensive summary of the present application can be found on pages 6 and 7 of Applicants' Supplemental Amendment after Amendment A, which was submitted to the Office by a facsimile transmission on July 14, 2004.

The Cited Reference

In stark contrast, the primary reference of the Office Action to Bull does not disclose or suggest providing information to, for and about a user --about, for and to associates of the user. Instead, Bull allegedly discloses an information aggregation and synthesis process and system which allegedly includes at least six different aspects or functional components which are related (column 3, line 12-22). The six aspects of the information aggregation and synthesis system are: I. URL munging, II. WWW CD-Rom, III. Software Agent Advertising, IV. Automated Profile Generation, V. Automated Lead Generation and VI. Software Agent Unmet Needs Generation.

URL munging is a process that allows goods and services of many merchants to be displayed through a single virtual shopping center. WWW CD-Rom is a CD-Rom that is burned or recorded and then sent by Express delivery to the user. Software Agent Advertising Insertion provides the insertion of an ad into a displayed web page based on the content of the existing web page being read by the user. Automated Profile Generation involves monitoring the searching patterns of the user.

In Automated Lead Generation, leads are generated by recording the user's WWW site selections. For example, users visiting a "Chicago" information site would be "Chicago" leads. The users WWW viewing patterns are recorded. These, and optionally, the user's profile are matched against software text agents entered by a supplier. When these agents match a pattern/profile, the supplier is notified.

Under the Unmet Needs Generation software agent, records are maintained from user usage of the internet or what consumer queries are unmet by the WWW content retrieved. The system of Bull allegedly intuitively constructs a profile from user input data. From this, a profile will be developed to identify new markets.

A more extensive summary of the cited reference can be found on pages 7-9 of Applicants' Supplemental Amendment after Amendment A.

It is respectfully submitted that the information aggregation and synthesis system of Bull is directed toward advertising and lead generation based on searching and internet activity of a system user. Bull does not disclose or suggest communication services for simplifying communication between a user and associates of a user.

The Claims are not Anticipated

It is respectfully submitted that claims 1-17 of the present application are not anticipated by Bull. For example, as presented in Applicants' Amendment C, which was mailed on November 23, 2005, claim 1 recites:

An enterprise information and communication system comprising:
at least one database;
a transaction management engine operative to manage transaction information and move the transaction information to and from the database;
an access management engine for maintaining security of the system wherein the access management engine is operative to hold records of at least one user and associates of the user and information regarding the user to which the at least one user and associates have shared access, to provide permission for accessing the information regarding the user to the user and associates of the user and to deny permission for accessing the information regarding the user to others;
an information mining engine operative to sort information within the at least one database and to locate information stored on remote devices; and,
an input control engine operative to maintain and use device drivers accepting and managing input from the user through the associated devices.

In explaining the rejections of the claims, the Office Actions equate the advertisers of Bull which receive reports about computer activity of a user with the associates recited, for example, in the highlighted portions of claim 1. It is respectfully submitted that this represents an error in fact.

Webster's unabridged dictionary, copyright 2000, defines an associate as follows:

Main Entry:3associate
Pronunciation:*

Function:noun

Inflected Form:-s

1 : one associated with another: a : **one who shares with another an enterprise, business, or action** : **a fellow worker** : PARTNER *the chemist and his associates finally completed their experiment* b : **one who shares with another an office or position of authority** : COLLEAGUE *they were associates on the bench for 20 years* c : **one who is frequently in company**

with other : **COMPANION, COMRADE** *his most intimate associate during his college years*

2 : something that is closely connected with or that usually accompanies another : **ACCOMPANIMENT, CONCOMITANT**; especially : a word or concept linked to another by association *no sooner at any time comes into the understanding but its associate appears the understanding but its associate appears with it John Locke*

3 a : an officer of the superior common-law courts in England **b** : a member of a learned society or academy ranking below a fellow *an associate of the Royal Academy* **c** : a research worker or teacher affiliated with a college, university, or some other professional organization or institution and ranking below a fellow *an associate of the Royal Academy* **c** : a research worker or teacher affiliated with a college, university, or some other professional organization or institution and ranking below a professor or full member *research associate in anthropology* *associate in German* *associate in medicine* **4** often capitalized **a** : a degree conferred by a junior college upon its graduates *associate in arts* **b** : a degree or title granted by some colleges and universities to students who finish a course that is complete in itself but shorter than that leading to a bachelor's degree

It is respectfully submitted that one of ordinary skill in the art would understand that the **advertisers of Bull are not associates of the user** as the term --associate-- is used in the present application. Moreover, it is respectfully submitted that Bull does not disclose an access management engine including at least the functionality highlighted in claim 1 above. For instance, in support of the assertion to the contrary, the Final Office Action mailed March 24, 2006 directs the attention of the applicants to user profile datastore 210 and portions of columns 6 and 7, column 8, column 10, column 11 and column 14. However, as explained in greater detail beginning at the bottom of page 7 and continuing through page 10 of Applicants' Amendment C and, for example, on page 10 of Applicants' Amendment D, the applicants have reviewed the cited portions of Bull and have been unable to locate a disclosure or a suggestion of a user and associates of a user having shared access to information stored in a database of an enterprise information and communication system.

Ad discussed in Amendment C, column 6, lines 25-36 of Bull list five phases of operation the invention of Bull including initial set-up for user, initial set-up for advertisers and lead generation, ongoing maintenance, user session and post-session activity. Column 6, lines 37-56 discuss screening and datasources for relevance, quality of information and appropriateness in indexing these using a text indexing software tool. Column 6, line 57 - Column 7, line 20 is related to initial set-up for advertisers and lead generation. Advertisers, using a user accessing system, enter criteria that should be met for an advertisement/coupon placement. Similar criteria are entered for lead generation. Column 7, lines 21-37 is directed to ongoing maintenance and explains that local datastores and network accessible datastores will change randomly and will become out of synchronization with a system index datastore. Accordingly, the index is updated periodically. Column 7, lines 38-57 are related to a user session and explain that users using the user access system access an information aggregation and synthesis system through the internet or other public or private network. Users log on to the system and are presented with a variety of options to create or update profile information in the user profile datastore. Column 8, lines 59-64 describe an advertising report wherein information about each ad coupon appended to an information aggregation and synthesis system along with known information about the user is stored in the advertising activity datastore. This report is output periodically to the advertisers/couponers using an IO system. It is respectfully submitted that this description of information made available to advertisers or couponers does not disclose or suggest users and associates of a user having shared access to information stored in the database of an enterprise information and communication system.

As discussed in greater detail on page 10 of Applicants' Amendment D (after Final), which was mailed on May 2, 2006, but which was refused entry, a portion of Bull cited for the first time in the Final Office Action (i.e., column 8, lines 23-58) indicates that during a session, ads/coupons are inserted along side display data based on ad/coupon insertion agents. The inserted information is inserted by a session management agent. A record of the insertion is stored in an advertising activity datastore along with appropriate user information. However, it is respectfully submitted that advertisers and couponers are not associates (see definition of associates above) of a user and it is respectfully submitted that disclosure of providing a report based on information from a datastore to advertisers/couponers does not disclose or suggest users and associates of a user having shared access to information in a database. Column 10, lines 35-38 of Bull summarize the kind of information included in a user profile datastore. It is noted that the user profile datastore of Bull does not include a list of associates. Moreover, the user profile datastore does not include a designation of associated advertisers/couponers or lead purchasers. Column 11, lines 11-14 indicates that the advertising activity datastore is a record of ads presented by the ad/coupon insertion system and information about the user seeing the ads and the browsing activity datastore and the user profile datastore. However, column 11, lines 11-14 do not disclose or suggest that the user has shared access to this information. Column 14, lines 11-32 indicate that the automated lead generation aspect of the system of Bull will analyze a users profile and session looking activity against a profile established by a supplier. When this profile is approximately matched, the supplier is notified so it can contact the user to offer goods or services. However, advertisers and couponers are not associates of a user and it is respectfully submitted that disclosure of this notification does not disclose or suggest an access management engine providing a user and associates of a user shared accessed to information regarding the user.

For at least the foregoing reasons, it is respectfully submitted that claim 1, as well as claims 2-11, as presented in Applicants' Amendment C are not anticipated by Bull and Pre-Appeal Review is respectfully requested.

Additionally, it is noted that in Applicants' Amendment D, claim 1 was amended to indicate that the associates of the user are designated by the user. However, Applicants' Amendment D was refused entry.

Claims 12-17 were rejected under the same rationale as **claims 1-11**. In this regard, arguments similar to those submitted in support of **claims 1-11** are submitted in support of **claims 12-17**. Additionally, **claim 12** recites an information receiver operative to review and possibly store information pushed at the information and communication system from outside the information and communication system. It is respectfully submitted that Bull does not disclose or suggest that information is pushed at the information and communication system from outside the information and communication system, or that such information is reviewed and possibly stored (i.e., based on the review) by an information receiver.

In this regard, the Reply to Argument Section (i.e., Section 12) on page 6 of the Final Office Action appears to assert that the user of Bull is analogous to the information receiver operative to review and possibly store information recited as a system component of the enterprise information and communications system recited in **claim 12** of the present application. However, it is respectfully submitted that disclosure of the "user" of Bull is not fairly construed as disclosure of a system component. It is respectfully submitted that the information receiver recited in **claim 12** of the present application is clearly for relieving the user from having to review undesired information.

For at least the foregoing reasons, it is respectfully submitted that **claim 12**, as well as **claims 13-17**, which depend therefrom, is not anticipated and is not obvious in light of Bull and pre-appeal review is respectfully requested.

Reconsideration of the Restriction Requirement is also Requested

Additionally, review of the Examiner's decision to withdraw claim 18 is respectfully requested.

The Final Office Action asserts that newly submitted claim 18 is independent or distinct from the invention originally claimed because of the recitation related to a transaction management engine. However, as discussed in greater detail on pages 8 and 9 of Applicants' Amendment D, that assertion is respectfully traversed.

Further in that regard, in order to illustrate that the subject matter objected to by the Examiner did not make claim 18 independent or distinct, the applicants presented similar subject matter in the form of a claim dependent upon claim 1 (i.e. as new claims 19 and 20). The Advisory Action did not respond to the traversal of the Restriction Requirement. Pre-appeal review is respectfully requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

July 24, 2006
Date


Joseph D. Dreher, Reg. No. 37,123
Thomas Tillander, Reg. No. 47,334
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

N:\LUTZ\200034\RLG0006341V001.doc

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on

July 24, 2006

Roseanne Giuliani
(SIGNATURE)

Roseanne Giuliani